

## **MINUTES**

### **INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS**

**MARCH 31, 2010**

#### **I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Dr. Headley called the meeting to order at 9:00 a.m. in the Indiana Government Center South, 402 West Washington Street, Room W-064, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

**Board Members Present:**

Richard Headley, D.V.M., Chair  
Dawn Frank, D.V.M., Vice Chair  
Patricia Kovach, D.V.M.  
Ralph Welp, D.V.M.  
Robin Waltz, D.V.M.  
Frank Andrews, Consumer Member  
Bret Marsh, D.V.M., State Veterinarian

**Board Members Absent:**

Susan Pedigo, R.V.T.

**State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency  
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency  
Phillip Thompson, Deputy Attorney General, Office of the Attorney General

#### **II. ADOPTION OF THE AGENDA AS AMENDED**

A motion was made and seconded to adopt the agenda as amended.

WELP/KOVACH

Motion carried 5-0-0

\*Mr. Andrew was not present for the vote

#### **III. ADOPTION OF THE MINUTES FROM THE JANUARY 27, 2010 MEETING OF THE BOARD**

A motion was made and seconded to adopt the minutes from the January 27, 2010 meeting of the Board.

FRANK/WALTZ

Motion carried 5-0-0

\*Mr. Andrew was not present for the vote

#### IV. APPEARANCES

##### A. PROBATION

**1. Brenton Arihood, D.V.M., License No. 24003071A**  
Cause No. 2009 VB 0001

Dr. Arihood appeared before the Board, as requested, regarding his ongoing probation. Dr. Arihood submitted the requested patient records, surgery log and controlled substance log. He indicated his office manager is upgrading his record keeping. The Board asked about his invoices. He explained that his office is not computerized and he does not itemize on his invoices, only keeping notes of treatments for billing. The Board pointed out his surgery log only contains the animal's name and list of procedures performed, but no record of medications used. When asked, he stated he is no longer using ketamine; he is currently using xylamine. The Board would like to see Dr. Arihood expand his pharmacy as they don't feel this is good for small animals. When asked if he intubated animals for elective surgeries, he answered yes, but without oxygen. The Board encouraged Dr. Arihood to change his surgery procedures. They advised Dr. Arihood that on a physical examination, he must record everything he sees on the patient and has been advised to obtain check-off cards to include in the patient charts to show they have been fully assessed. Also, Dr. Arihood's controlled substance record keeping needs to be more detailed and attached to the record of the specific patient/pet owner to cover himself. He was also advised that when dispensing medicine(s) to patients he should be including the date, the patient's name, the medicine with a description and dosing instructions and use childproof containers as well as envelopes. Dr. Arihood also indicated to the Board that he does not have gas equipment or monitoring machines in place for surgeries. The Board has requested Dr. Arihood provide the requested controlled substance log for January 2010 until present day. The Board stated that his probationary order requires him to report to the Board the hours and days he works along with his reports. The Board has agreed that some of the time he spent at Purdue University can count towards his continuing education but he will need to pick up more shadowing to fully complete that requirement set forth by the Board. The Board feels he needs to put more effort into the progress of his practice and implement what he is learning through the shadowing and continuing education he is completing.

**Board action:** After review of the documentation and with information Dr. Arihood had submitted and statements made during his appearance, a motion was made and seconded to issue an Order To Show Cause regarding noncompliance of the terms and conditions set forth in the Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and order filed on November 13, 2009. This matter will be scheduled for April 29, 2010.

**The Order to Show Cause was issued based upon the following:**

1. Dr. Arihood stated he would do surgery at night after hours and would leave the animal alone all night long. No observation of the animal during the night time.

2. Not using oxygen. Does not have an oxygen machine as required by 888 IAC 1.1-4-1 for a fixed practice facility.
3. Records were inadequate. Did not record all info regarding the condition of the animal, physical examination. He needs to assess the animal and write down what he saw. Not in compliance with 888 IAC 1.1-5-2
4. There were questions regarding his anesthesia practices.
5. Billing practices. Does not itemize the bill. The board was concerned that he was complying with the terms of his probationary order but was not implementing what he had learned. His level of practice has not increased but remained the same.

FRANK/WELP  
Motion carried 6-0-0

**2. Todd Cooney, D.V.M., License No. 24004650A**  
Cause No. 2005 VB 0007

Dr. Cooney appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Cooney stated things are going well. Reports were received and reviewed from Rick Gustafson, counselor; Dr. Mohr, supervisor; and a drug screen was completed on February 22, 2010. Ms. Vaught reminded the Board of the timeliness of Dr. Cooney's report to the Board. All reports are due quarterly. Dr. Cooney submitted his request for a hearing to lift his probation. The Board will set this matter on or after May 26, 2010 based upon the date of the Board meeting. He stated that the Memorandum of Understanding issued by DEA will expire in August of 2011. He is required to send copies of his controlled substance logs on a quarterly basis and maybe audited at any time. The Board is pleased with his progress. Dr. Cooney spoke regarding a call to Ms. Vaught concerning Dr. Messina, a veterinarian working under his supervision. Currently Dr. Messina is working in his office pending issuance of a license. She is working towards her ECFVG certification. There was an issue which involved her within his office. Dr. Cooney stated that this matter has been reviewed and she is still employed.

**3. Christina Fritz, R.V.T., Registration No. 25001007A**  
Cause No. 2010 VB 0002

Ms. Fritz appeared before the Board, as requested, regarding her probationary status. She submitted to the Board her evaluations, case log and continuing education she has done. Ms. Fritz states she has completed ten (10) of the required forty (40) hours of her court ordered community service. She told the Board she is not able to obtain a letter from her supervising veterinarian at Purdue University as required by the probationary order.

Ms. Fritz stated Dr. Weil will not provide a supervisor's report and does not understand why she is unwilling to give the report. Ms. Fritz explained that she is not allowed to have access to the controlled substance cabinet. She is required to record the type and amount of each drug used once it is in her hand and all the way through destruction of the left over drug not used. The Board suggested that Ms. Fritz go the school and ask that someone else write the report. Mr. Thompson stated that her order requires a supervisor's report and she may want to consider submitting a request for modification of probation.

## **B. RENEWAL**

### **1. Sharon Helen Christie, D.V.M.** License No. 24004698A

Dr. Christie appeared before the Board as requested regarding the renewal of her expired license. Dr. Christie's license has been expired since October 15, 2007 and she has been actively practicing since that time. Dr. Christie explained that her employer did not renew her license and she did not think anything of it until she did not receive a pocket card after this last renewal period. Ms. Vaught reminded Dr. Christie that her license renewal is her responsibility, not that of the employer. Dr. Christie explained to the Board that as a benefit the practice renews the veterinarian's license. Dr. Christie said once she realized it was expired, she had an office manager check into it for her. Dr. Christie has submitted the renewal application, fee and required continuing education.

**Board action:** A motion was made and seconded to renew Dr. Christie's license.

FRANK/WALTZ  
Motion carried 6-0-0

## **C. APPLICATIONS**

### **1. Alison G. Messina, D.V.M.**

Dr. Messina appeared before the Board, as requested, regarding her application by examination. Dr. Messina is a 2009 graduate from Ross University and has passed the NAVLE examination on December 6, 2008. She was issued her ECFVG certification on February 17, 2010. She was requested to appear due to a phone call from her employer, Dr. Todd Cooney. On February 18, 2010 Dr. Cooney called to report that Dr. Messina had cut herself on purpose during surgery. She was cleared to return to work and Dr. Cooney was concerned. Dr. Messina stated she has been working with Dr. Cooney since 2009. She is currently licensed in the state of Pennsylvania where she practiced at a VCA Hospital. Dr. Messina explained to the Board that she left Pennsylvania because her husband is currently attending Purdue University Veterinary School. She stated she did not cut herself during surgery; rather, she was faced with a very stressful situation of an animal that had died because she was unable to get the drugs needed. After the situation was taken care of, she went into a private room

and cut herself. Dr. Messina stated this was the first time she had ever cut herself intentionally. She is currently seeing a therapist for post traumatic syndrome and insomnia and is currently medicated for the stress and sleep deprivation. Her hours have been changed so a situation similar to the one that triggered this incident will not happen again in the future. She assured the Board she is now sleeping and handling stress better. Dr. Messina plans to become Board certified to perform surgeries as she prefers doing surgeries over other care and would like to stay at the practice with Dr. Cooney until her husband graduates from Purdue University. She informed the Board that she sees a psychiatrist once or twice a week depending on her work schedule. The Board showed concern over Dr. Cooney supervising Dr. Messina. They do not want Dr. Cooney to suffer a setback regarding this situation.

**Board action:** A motion was made and seconded to table Dr. Messina's application until she has been evaluated by the Indiana Veterinary Medical Association Well-Being Program.

KOVACH/ANDREW  
Motion carried 6-0-0

**2. Patrick L. Rodawold, D.V.M.**

Dr. Rodawold appeared before the Board, as requested, regarding his application for licensure. Dr. Rodawold is a 2003 graduate of the University of Illinois and has taken and passed the NAVLE examination in December 2002. He is currently licensed in the state of Illinois and holds an expired license in the state of Pennsylvania. The Board reviewed his application at the January 2010 meeting but requested Dr. Rodawold to appear due to questions with his work history. He explained that he was employed in Pennsylvania until November 2008. At that time he and his wife decided to return to Illinois and opened his own large animal practice in Illinois in January 2009. His practice is very close to the state line and he would like to be able to practice in Indiana. Dr. Rodawold assured the Board he has not been practicing in Indiana. Dr. Rodawold has taken and passed the law examination.

**Board action:** A motion was made and seconded to grant Dr. Rodawold a veterinary license.

WALTZ/KOVACH  
Motion carried 6-0-0

**3. Bradley W. Hill, D.V.M.**

Dr. Hill appeared before the Board, as requested, regarding his application for licensure. Dr. Hill is a 2003 graduate of the University of Missouri and has taken and passed the NAVLE examination on March 15, 2003. He is currently licensed in the states of Arizona, Illinois, Kentucky, Michigan, New Mexico, North Carolina and Oklahoma. He has also held licenses in Missouri and Ohio. Dr. Hill had answered "yes" to questions 1, 3 and 5A and B that ask "Have you ever previously filed an application in the State of Indiana", "Have you ever been denied a license, certificate, registration or permit to practice veterinary medicine

or any regulated health occupation in any state (including Indiana) or country?" and "Have you ever been convicted of, pled guilty or nolo contendere to a violation of any Federal, State or local law relating to the use, manufacturing, distribution or dispensing of controlled substances or drug addiction and/or any offense, misdemeanor or felony in any state?" He explained that he had applied for licensure in Indiana in 2007 and did not complete the application process in which he was subsequently denied based upon not making a personal appearance regarding a positive response on his application. Dr. Hill went on to explain that he did not disclose the required information on his current application because it was in fact completed by his office manager who did not correctly answer the questions. Dr. Hill states it was not done fraudulently, it was an honest mistake. Dr. Hill told the Board that the positive responses were due to him being charged with operating a vehicle while intoxicated. He had been involved in a minor accident and when asked to take a breathalyzer, he blew a .08. Dr. Hill was required to complete a M.A.D.D. course, 40 hours of community service, probation and pay all fines and costs. All court requirements have been completed and settled with the courts. He explained to the Board that he did not make the first personal appearance for the previous application because he started a new practice in Michigan at that time. He currently owns an equine ambulatory practice in Lansing, Michigan. The Board advised Dr. Hill he needs review all documents prior to signing his name to them.

**Board action:** A motion was made and seconded to grant Dr. Hill a veterinary license upon taking and passing the law examination.

ANDREW/WELP

Motion carried 5-0-0

\*Dr. Frank was not present for the vote

4. **James A. Huber, R.V.T.**

Mr. Huber appeared before the Board, as requested, regarding his application for registration as a veterinary technician. Mr. Huber is a 2009 graduate from Brown Mackie College, Louisville, Kentucky, and has taken and passed the Veterinary Technician National Examination (VTNE) on January 15, 2010 and the law examination. He had appeared before the Board in December 2009 for approval to take the VTNE due to a positive response on his application. Dr. Headley had asked for him to reappear prior to registration. He explained that the positive response was from an incident at the University of Louisville when he made up a bomb threat and told the police. Mr. Huber pled guilty in court and was sentenced to probation, community service and mental health care. He has completed all requirements of the court. Mr. Huber indicated to the Board that things are going great and he is off all medications. He has been employed at the same small animal practice for the past two (2) years.

**Board action:** A motion was made and seconded to grant Mr. Huber a veterinary technician registration.

WELP/ANDREWS

Motion carried 5-0-0

\*Dr. Frank was not present for the vote

**5. Christine L. King, R.V.T.**

Ms. King appeared before the Board, as requested, regarding her application for registration as a veterinary technician. Ms. King is a 2009 graduate of the International Business College and passed the Veterinary Technician National Examination and Indiana law examination on January 15, 2010. Ms. King answered "yes" to question 5 that asks "Have you ever been convicted of, pled guilty or nolo contendere to a violation of any Federal, State or local law relating to the use, manufacturing, distribution or dispensing of controlled substances or drug addiction and/or any offense, misdemeanor or felony in any state?" She explained that in October 2006, she was arrested and charged with possession of a controlled substance, possession of marijuana, possession of paraphernalia, and operating a vehicle while intoxicated endangering a person/self. She appeared in court in March 2007 where a plea bargain was given to her which lowered the charges. She was ordered to complete a mental evaluation, one year probation, report to a probation office monthly, continue schooling, and show all documentation to the court. She has since completed all court ordered requirements. Ms. King stated she graduated with honors from her veterinary technician program.

**Board action:** A motion was made and seconded to grant Ms. King a veterinary technician registration.

ANDREWS/WALTZ

Motion carried 5-0-0

\*Dr. Frank was not present for the vote

**V. ADMINISTRATIVE HEARING**

- 1. State of Indiana vs. James Brester, D.V.M., License No. 24003011A**  
Administrative Cause No. 2010 VB 0001  
Re: Complaint

**Parties and Counsel Present:**

Respondent was not present nor represented by counsel  
Terry Richmond, Deputy Attorney General for the State of Indiana  
David Fleischhacker, Deputy Attorney General for the State of Indiana  
Sherry Rutledge, Court Reporter

**Participating Board Members:**

Dr. Headley, D.V.M., President (Hearing Officer)  
Dr. Waltz, D.V.M.  
Dr. Kovach, D.V.M.  
Dr. Welp, D.V.M.  
Frank Andrews, Consumer Member

**Case Summary:** Respondent did not appear and was not represented by counsel. The State submitted a Proposed Settlement for review. The Board reviewed the settlement.

**Board action:** A motion was made and seconded to deny the proposed settlement agreement as proposed.

ANDREWS/WELP

Motion carried 5-0-0

\*Dr. Frank was not present for the vote

The State requested a continuance of this matter and this was granted. This matter will be sent for the next available meeting date.

## **VI. SETTLEMENT AGREEMENTS**

There were no settlement agreements before the Board.

## **VII. NOTICE OF PROPOSED DEFAULT**

There were no notices of proposed default before the Board.

## **VIII. DISCUSSION**

### **A. PAVE Program**

A 2005 graduate of Ross University from the audience, spoke on behalf of the PAVE program. He would like to see Indiana begin to accept the PAVE program for students who have attended a non approved college. He feels that the PAVE program meets the same requirements as the ECFVG program. He explained that where ECFVG wants to test pre-clinical and clinical studies, PAVE only tests pre-clinical with the feeling that the clinical portion from schooling and rotations is adequate. He went on to explain that Ohio and New York do not have any specific requirements for foreign graduate students in their licensing process. A proposed change of statute to include the PAVE program has been brought to the legislature in the past but was voted down. The Board requested that they would like the IVMA to speak to the Board regarding any issues they may have with the acceptance of the PAVE program. They would also like to have a representative from the PAVE and the ECFVG program to appear at an upcoming meeting for further discussion.

### **B. VTNE Examination Results**

Re: January 15, 2010

Ms. Vaught shared with the Board the results from the recent VTNE examination given in Indianapolis on January 15, 2010. Of the 116 candidates who sat for the examination, 74 passed and 42 failed. We will no longer be administering the paper and pencil version of the VTNE examination. The examination will be computerized and administered by the American Association of Veterinary State Boards.

### **C. National Board Report**

Re: Newsletter – March 2010

The report was so noted.

**D. National Board of Veterinary Medical Examiners**

Re: NAVLE Information

The information was noted.

**IX. APPLICATION REVIEW**

**A. Endorsement**

There were no endorsement applications for the Board to review.

**B. Examination**

There were no examination applications for the Board to review.

**C. Professional Corporation**

There were no professional corporation applications for the Board to review

**X. PROBATIONARY REPORT**

There were no probationary reports for the Board to review.

**XI. CONTINUING EDUCATION**

**A. Animal Care Clinic North**

“Elkhart County Veterinary Clinic”

Elkhart, IN

March 1, 2010

**Hours Requested: 1.5**

**Board action:** A motion was made and seconded to deny this program because it is not related to the practice of veterinary medicine.

WELP/KOVACH

Motion carried 4-0-1

\*Dr. Headley abstained

**B. Cincinnati Animal Referral & Emergency Center**

“Feline Hyperthyroidism”

Cincinnati, OH

February 10, 2010

**Hours Granted: 1**

"Anesthesia"  
Cincinnati, OH  
March 24, 2010  
**Hours Granted: 1**

- C. Indianapolis Veterinary Referral**  
"New Strategies in Wound Management"  
Indianapolis, IN  
April 7, 2010  
**Hours Granted: 1**

"Anesthetic Considerations in Challenging Surgical Conditions an Interactive CE Experience"  
Indianapolis, IN  
May 5, 2010  
**Hours Granted: 1.5**

- D. Merial, Ltd.**  
"2010 Vaccines & Vaccination" Just the FAQ's  
Columbus, OH  
February 25, 2010  
**Hours Granted: 1**

- E. Pfizer Animal Health**  
"New Developments in Using Various Anesthetic – Analgesic Agents"  
Indianapolis, IN  
**Hours Granted: 1.5**

- F. Veterinary Endoscopy Society**  
"7<sup>th</sup> Annual Meeting of the Veterinary Endoscopy Society"  
Breckenridge, CO  
March 18-20, 2010  
**Hours Granted: 10**

- G. Merial, Ltd.**  
"Merial Tech-Fest"  
Evansville, IN  
April 22, 2010  
**Hours Granted: 1.5**

**Board action:** Applications were reviewed and approved for continuing education programs as stated.

WELP/KOVACH  
Motion carried 5-0-0

### **XIII. REPORTS**

- A. Consumer Complaints – Dr. Waltz**

Dr. Waltz reported she has received some complaints that are being investigated by the Attorney General's office.

**B. Controlled Substances Advisory Committee- Dr. Kovach**

Dr. Kovach reported the CSAC committee will no longer exist after July 1, 2010. All Controlled Substance Registrations will be handled by the appropriate licensing Board and that facility CSRs will go to the Pharmacy Board with the exception of Veterinary facility CSRs. It was also stated in this meeting that Senate Bill 356 has passed and beginning July 1, 2010 the Boards will be able to issue Cease and Desist orders for unlicensed practitioners.

**C. State Veterinarian's Report – Dr. Marsh**

- Dr. Marsh reported that the Board of Animal Health is moving to 4150 North Keystone Avenue in Indianapolis, Indiana.
- Spoke with the Attorney General's office about the dog breeder laws. Anyone with more than 20 breeding bitches must be registered.
- Discussed the Animal Care Standards that passed for livestock and poultry.
- Spoke of the dairy producer that is in the raw milk trade in Middlebury, Indiana. He is selling milk into a cooperative in Michigan. The FDA is currently investigating as milk that is not pasteurized can cause illness.
- Piroplasmosis in horses; records are being checked throughout the country as there has been a small outbreak of the tick-related disease.
- BOAH has cleared the last of the tuberculosis cases in Indiana.
- Practice Act passed before to see if registered veterinary technicians or veterinary assistants can administer rabies vaccine.
- All veterinarians must apply for the re-accreditation through the USDA.
- BOAH has reduced the number of positions in the meat inspection division.
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**XIV. OLD/NEW BUSINESS**

- Ms. Vaught discussed a new oversight Committee for the Agency. It is called the Regulation Occupation Evaluation Committee. The first meeting will be scheduled for June 2010.
- Ms. Vaught spoke to the Board regarding Senate Bill 356. This bill allows the Boards to issue Cease and Desist orders for unlicensed individuals that are caught practicing. It also condensed some professions to one Board and removed some Boards all together.

**XVI. OTHER ITEMS FOR CONSIDERATION**

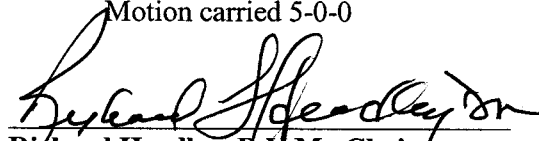
There were no other items for consideration before the Board.

**XVII. ADJOURNMENT**

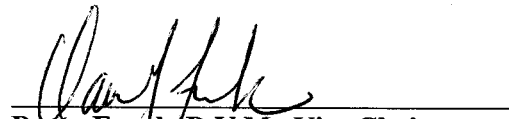
There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 2:10 p.m.

**Board action:** A motion was made and seconded to adjourn the meeting of the Indiana Board of Veterinary Medical Examiners at 2:10 p.m.

WELP/KOVACH  
Motion carried 5-0-0

  
Richard Headley, D.V.M., Chairman

7-28-10  
Date

  
Dawn Frank, D.V.M., Vice Chair

7.28.10  
Date